

REMARKS/ARGUMENTS

Initially, Applicant would like to express appreciation to the Examiner for the detailed Official Action provided and for the acknowledgment of Applicant's Information Disclosure Statement by return of the Form PTO-1449. However, Applicant notes that the Examiner has not acknowledged Applicant's Claim for Priority and receipt of the certified copy of the priority document in the Official Action or that the drawings are acceptable; thus, it is requested that the Examiner acknowledge Applicant's Claim for Priority and receipt of the certified copy of the priority document, and indicate that the drawings are acceptable, in the next Official Action.

Upon entry of the above amendments claims 1-13 will have been amended. Claims 1-13 are currently pending. Applicants respectfully request reconsideration of the objection and rejections, and allowance of all the claims pending in the present application.

In the Official Action, the Examiner has rejected claims 1-5 and 10-12 under 35 U.S.C. § 102(b) as being anticipated by BYRNE, U.S. Patent No. 5,941,720 ("BYRNE '720");

Claims 1-5 and 10-12 appear to have been rejected under 35 U.S.C. § 102(b) as being anticipated by BYRNE U.S. Patent No. 5,171,159, ("BYRNE '159") by relying on multiple references;

Claims 1-6, 8 and 13 have been rejected under 35 U.S.C. § 102(b) as being anticipated by BOUNDY, U.S. Patent No. 4,278,834; and

Claims 10-12 have been rejected under 35 U.S.C. § 102(b) as being anticipated by JP Document No. 09-63723.

Initially, Applicant submits that the Examiner's apparent rejection of claims 1-5, 10 and 12 under 35 U.S.C. § 102(b), as being anticipated by BYRNE '159 by relying on multiple references, is improper because it is unclear what reference (if any) is being relied on as additional reference.

That is, an additional (or multiple) reference can only be used in a rejection under 35 U.S.C. § 102(b) if it is relied on to prove that the disclosure of the primary reference (i.e., BYRNE '159 in the present instance) is enabling, explain a meaning of a term used in the primary reference, or to show that a characteristic not disclosed in the reference is inherent, as required by MPEP § 2131.01. In this regard, Applicant submits that the Examiner has not clearly indicated or explained any of the preceding; therefore, this rejection is improper.

Further, in regard to the rejection of claims 10-12 under 35 U.S.C. § 102(b) as being anticipated by JP Doc. '723, Applicant notes that claims 10-12 are dependent claims. Thus, it appears that if the Examiner intends to reject these claims under 35 U.S.C. § 102, independent claim 1, from which claims 10-12 depend, should also be listed among the rejected claims. Therefore, Applicant respectfully requests that the Examiner clarify the basis of rejection in the next Official Action.

Nevertheless, without acquiescing to the propriety of the rejection, claims 1 and 2 have been amended solely in order to expedite prosecution of the present

application. Dependent claims 3-13 have each been cosmetically amended to correct grammatical errors therein.

In this regard, Applicant notes that BYRNE '720, BYRNE '159, BOUNDY, and JP Doc. '723 do not disclose each and every element as recited in amended claims 1 and 2, respectively. In particular, claims 1 and 2 each generally recite a power strip including, inter alia, a flexible cover section substantially covering spaced-apart socket sections.

Applicant submits that BYRNE '720, BYRNE '159, BOUNDY, and JP Doc. '723 each lack any disclosure of the above noted combination of elements.

In this regard, Applicant submits that the elements of both BYRNE '720 and BYRNE '159, which the Examiner considers to be flexible cover sections (i.e., as indicated by reference number 142), are actually disposed axially between adjacent sockets (150) [see, FIGs. 1, 10 and 11 of BYRNE '720, and FIGs. 1 and 2 of BYRNE '719]. Thus, BYRNE '720 and BYRNE '159 do not disclose at least a flexible cover section substantially covering spaced-apart socket sections, as generally recited in independent claims 1 and 2.

Similar to the BYRNE patents, as discussed supra, BOUNDY also discloses the element, which the Examiner considers to be a flexible cover section, (i.e., the metal sheath conduit indicated by reference numeral 131) being disposed axially between adjacent sockets (i.e., female sockets 126). Thus, similar to the BYRNE patents discussed supra, BOUNDY also does not disclose at least a

flexible cover section substantially covering spaced-apart socket sections, as generally recited in independent claims 1 and 2.

Further, in regard to the rejection which relies on JP Doc. '723 as a basis, Applicant submits that the Examiner has not clearly indicated which element(s) in JP Doc. '723 is considered to be a flexible cover section. Nevertheless, Applicant submits that the only element in JP Doc. '723 which can reasonably be considered to be a flexible portion is the connecting part (3). However, similar to the applied prior art discussed supra, the connecting part 3 is provided axially between the upper and lower bodies (1 and 2, respectively) which include respective connectors (4 and 5). Further, the only element in JP Doc. '723 which flexible part 3 can reasonably be considered to cover is the desk top plate (10), which is not part of the power strip. Thus, similar to the applied prior art discussed supra, JP Doc. '723 also does not disclose at least a flexible cover section substantially covering spaced-apart socket sections, as generally recited in independent claims 1 and 2.

Further, Applicant notes that “[a]bsent a disclosure in a single reference of each and every element recited in a claim, a *prima facie* case of anticipation cannot be made under 35 U.S.C. § 102. Since the applied references fail to disclose each and every element recited in independent claims 1 and 2, as well as dependent claims 3-5, 8 and 10-13 respectively depending therefrom, these claims are not anticipated thereby. Further, all pending dependent claims recite additional features that further define the present invention over the prior art.

Accordingly, the Examiner is respectfully requested to withdraw the rejection under 35 U.S.C. § 102 and allow all pending claims in the present application.

In the Official Action, the Examiner appears to have rejected claims 6, 7 and 9 under 35 U.S.C. § 103(a) as being unpatentable over BYRNE '720 and '159 in view of DEARMAN (U.S. No. 4,615,574). Initially, Applicant notes that the Examiner cites to BYRNE generally without specifically identifying either one of the BYRNE patents (i.e., BYRNE '720 and '159) applied in the rejection under 35 U.S.C. § 102.

Applicant respectfully traverses the above noted rejections of claims 6, 7 and 9 under 35 U.S.C. § 103(a).

More particularly, Applicant submits that dependent claims 6, 7 and 9 are at least patentable due to their respective dependencies from claims 1 and 2 for the reasons noted above. In this regard, Applicant notes that the Examiner has provided no properly reasoned explanation for correcting the above-noted deficiencies in the teachings of BYRNE '720, BYRNE '159, BOUNDY, and JP Doc. '723. That is, DEARMAN does not provide any teachings which could reasonably be characterized as curing the above-noted deficiencies in the teachings of BYRNE '720, BYRNE '159, BOUNDY, and JP Doc. '723.

In this regard, Applicant submits that DEARMAN does not disclose at least a flexible cover section substantially covering spaced-apart socket sections, as generally recited in independent claims 1 and 2. Accordingly, the Examiner is

respectfully requested to withdraw the rejection under 35 U.S.C. § 103 and allow all pending claims in the present application.

In view of the arguments herein, Applicant submits that independent claims 1 and 2 are in condition for allowance. With regard to dependent claims 3-13, Applicant asserts that they are allowable on their own merit, as well as because of their respective dependencies from independent claims 1 and 2, which Applicant has shown to be allowable.

Thus, it is respectfully submitted that all of the claims in the present application are clearly patentable over the references cited by the Examiner, either alone or in combination, and an indication to such effect is respectfully requested, in due course.

SUMMARY

Applicant submits that the present application is in condition for allowance, and respectfully requests an indication to that effect. Applicant has argued the allowability of the claims and pointed out deficiencies of the applied reference. Accordingly, reconsideration of the outstanding Official Action and allowance of the present application and all the claims therein are respectfully requested and is now believed to be appropriate.

Applicant notes that this amendment is being made to advance prosecution of the application to allowance and should not be considered as surrendering equivalents of the territory between the claims prior to the present amendment and the amended claims. Further, no acquiescence as to the propriety of the Examiner's rejection is made by the present amendment. All other amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
Hiroaki TANAKA

A handwritten signature in cursive script, reading "Will. Boshnick".

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